SUBJECTS.

Dewan's reply.—The proposal was considered in 1906 by the High Court, who recorded the opinion that the system would not work well in Travancore. The High Court will again be asked.

1. *Civil suits relating to viruthi lands.*

Mr. K. Raman Tampi (Member, Vilavankode Taluk) stated that the Civil Courts were at present insisting on Government being impleaded as a party in suits relating to lands which originally were of viruthi tenure. By joining the Sirkar as a party, the suits had to be filed in the District Courts, as they were not cognisable by the Munsiffs' Courts. Viruthi lands were being alienated in practice as much as pandarapattom lands and the treatment accorded at the settlement to the lands of both description was also the same. In the majority of cases, the ryots were put to the necessity of resorting to Civil Courts to set aside the decisions of the settlement officers in registration cases, and under the existing practice it took a long time before a suit could be filed in the Courts. He therefore prayed that the rule or practice which required that Government should be added as a party in such cases might be cancelled.

Dewan's reply.—The law as it stands does not require that the Government should be made a party in such cases. But under Section 7 A of the Civil Procedure Code, an order of Government permitting the party to seek redress in the Civil Courts is necessary before a suit can be filed. The matter will be enquired into.

2. *Procedure in cases of attachment of movables.*

Mr. A. E. Padmanabha Kurup (Member, Karunagapalli Taluk) said that, in cases of attachment of movables in execution of the decree of a Civil Court, the practice now was to entrust such movables to the care of the Amins of the Court till the auction was concluded or the articles were returned to the owners in case the decree was satisfied. The mischief practised by the Amins, who were a set of low-paid subordinates, caused much loss to the parties. The lists prepared by them were not being attested by anybody. In many cases, therefore, no accurate or exhaustive lists were prepared, properties were undervalued and non-perishable articles were entered as perishables. In view to remedy this state of affairs, it was desirable that three copies of the lists of properties should be prepared at the place of attachment and attested by the plaintiff, defendant, thadasthers and the Amin, and one copy furnished to the owner of the properties, one filed in the Court and one kept in the possession of the Amin. The Member said that a Circular to the above effect from the High Court would remove the difficulties complained of.

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SUBJECTS.

Dewan's reply.—The Member's suggestions will be communicated to the High Court for such action as may appear to them necessary.

23. *Commission orders of Civil Courts for valuation of improvements on properties.*

Mr. Devan Krishnan Karthavu (Member, Shertallay Taluk) said that the desirability of entrusting commission orders of Civil Courts for valuation of improvements on properties to respectable citizens of the locality for execution had been brought up at the third session of the Assembly, and Government then promised to suggest to the High Court the advisability of appointing others than Court employés for the purpose. Orders were since issued for entrusting such commission work to vakils or retired officers. He said that the change was not in pursuance of the representation made to Government and that, even at present, such orders were being executed by the Court officials, such as Amins. The Amin, when he came to a place for the purpose of valuing a property in connection with a civil dispute, usually favoured that party who gave him an illegal gratification, prepared a valuation list and got the same attested by two of his own followers. As the lists prepared by these Commissioners were practically final, the hardships the people were put to under the present arrangement were very great. He therefore requested that the commission orders in such cases might be ordered to be given to representatives of the people, instead of to the Court officials, and that, if that was not practicable, the records prepared by the Commissioners might at least be caused to be attested by respectable and experienced villagers, of whom four or five might be previously selected and a list kept for each proverthi.

Dewan's reply.—The Member will do well to put in writing all that he has to say clearly and in detail and send up the same to Government. His suggestions will then be communicated to the High Court for such action as may appear to them necessary.

24. *Repeal of the High Court Circular regarding the attestation of depositions recorded in Courts.*

Mr. K. Raman Unnithan (Member, Kunnattur Taluk) said that the High Court, by their Circular No. 25 of 1083, dispensed with the attestation by the opposite party of depositions recorded in Courts. Though the standing orders required that the depositions taken down each day should be signed by the presiding officer of the Court on the same day, the rule was not generally observed in practice, with the result that it afforded much scope to the petty subordinates of the Court to tamper with the records in any way they liked. He therefore requested that the criminal circular in question might be repealed.

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